

REMARKS

The specification has been amended to conform it to changes made during the pendency of Application Ser. No. 09/855,447, of which the present application is a continuation. A new Abstract conforming to that in the '447 application has also been provided.

Claims 1-3 have been canceled without prejudice and replaced by new claims 4-12 which are substantially similar to those appearing in the '447 application at the time this application was filed, with modifications intended to address certain issues raised by the Examiner in the final rejection in the '447 application, as discussed below.

For convenient reference, the correspondence between the claims of the '447 application and the present application is shown in the Table below.

Present Claims	'447 Claims	Present Claims	'447 Claims
4	7	9	11
5	5	10	12
6	8	11	13
7	9	12	14
8	10		

Regarding the Rejection under 35 U.S.C. 112 in the '447 Application:

Applicants respectfully disagree with the Examiner's characterization of the reference to a front to back center line in previous claims 10, 12, and 13 as "nonsensical", and respectfully suggest to the Examiner that one skilled in the art would readily understand that this referred to a line running from the leading face of the stack (relative to the machine to which the sheets are being fed) to the trailing face, equidistant from the adjacent side faces of the stack.

Nevertheless, in an effort to advance the prosecution of this application, present claim 4 refers to the stack as having leading and trailing faces rather than a front and back, and claims 8, 10,

and 11 refer to the detectors as being located substantially equidistantly from side faces of the stack which connect the leading and trailing faces. It is respectfully submitted that one skilled in the art would understand that these changes reflect the intended meaning of the claims of the '447 application, and are not intended to, and in fact do not narrow the scope of claims 4, 8, 10, and 11 in any respect

Claims 4 and 9 differ from claims 7 and 12 of the '447 application in that they refer to the first and second detectors respectively being located near the uppermost position which can be assumed by the top of the stack, rather than the "front side of the top of the stack" in an effort to employ better English. However, one skilled in the art will recognize that the new wording reflects the clear intent of the corresponding claims of the '447 application, and does not narrow the scope of these claims.

Regarding the Allowability of Claim 8:

Applicant notes with appreciation the Examiner's indication that claim 8 (now claim 6) would be allowable if rewritten in independent form. However, because it is believed that parent claim 4 in fact is allowable over the prior art, claim 6 is being retained in dependent form pending further consideration by the Examiner.

Regarding the Prior Art Rejections in the '447 Application:

In the '477 application, claims 7 and 9-10 were rejected as anticipated by Kuster U.S. Patent 5,556,252 (Kuster), claim 5 was rejected as obvious over Kuster in view of Hiroi et al U.S. Patent 5,455,667 (Hiroi), claims 11-13 were rejected as obvious over Kuster in view of Land et al U.S. Patent (Land), and claim 14 (now claim 12) was rejected as obvious over Kuster in view of Voss et al. U.S. Patent 5,240,369 (Voss), Hummel et al. U.S. Patent 6,286,826 (Hummel), or Klenk U.S. Patent 6,224,320 (Klenk). Applicant respectfully requests reconsideration and withdrawal of these rejections.

Present claim 4 (corresponding to previous claim 7), calls for "... an electric motor operable only in a continuous mode at a variable speed connected to operate the lift. . ." The Examiner asserts that this is taught by Kuster. In fact, however, at col. 4, line 61, Kuster refers to an optimal

calculated speed which can be converted to a motor speed, and at col. 5, line 1-2, it is stated that this speed is a constant speed allowing the motor 34 to be operated continuously. Consequently Kuster calculates an optimal speed and then converts it to a constant speed. This is not the same as continuously running the motor at a varying speed as required in claim 4.

This requirement of claim 4 is further reflected in the recitation of “. . . a computer . . . responsive to . . . to generate a signal for the motor controller representing the variable motor speed.”

Claim 4 further calls for a first detector (32):

located near the uppermost position which can be assumed by the top of the stack, and in an operative relationship to the leading face of the stack,

the first detector being operative to generate an output signal representative of the vertical position of the top of the stack. . .

Kuster does not disclose an element corresponding to detector 32 in operative relation to the leading face of the stack, but only a sensing device 58 which is identical with the common sensing device 19 disclosed in the present application. As explained in the specification on page 1, second paragraph (in the original text), the flatness of cardboard sheets is often a problem and differences could occur in height between the front and rear of the stack and also between the center and its edges. In order to obviate this problem, the device of the present invention is provided with a front stack detector 32 able to detect the right level of the edge of the upper sheet which will be introduced into the feeding table. This concept is totally absent in Kuster.

Claim 4 should be allowed for all the above-stated reasons.

Claim 7 (corresponding to previous claim 9) specifies that:

the computer is operative in real time to generate the set speed signal on the basis of the difference between actual vertical position of the top of the stack as measured by the first detector and a reference vertical position for the top of the stack determined from the rate at which sheets are fed to the machine by the sheet feeder, and a preset value representing the thickness of the sheets.

As noted above, Kuster does not work in real time and does not disclose the claimed front detector. Moreover, Kuster teaches that the thickness of the stacked sheets is automatically

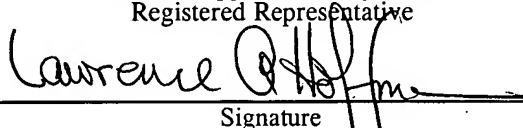
calculated by the controller 42 (Col. 4, lines 30-32 and step 84 of fig. 3). According to claim 7, the sheet thickness is not periodically determined by a calculation, but is introduced into the computer *as a preset value*.

The Examiner has not addressed previous claim 10 (now claim 8) separately from previous claim 7. However, this claim further specifies that "the first detector is located substantially equidistantly from side faces of the stack which connect the leading and trailing faces." Kuster's detector 58 is not located near the front face of the stack but at its back as clearly shown in Fig. 1, and is not located substantially at the front to back center line of the stack, equidistant from the side faces.

Present claims 5, and 9-12 (corresponding to previous claims 5, and 11-14) are directly or indirectly dependent on present claim 4 (corresponding to previous claim 7) and are patentable for all the reasons stated above. In addition, these claims recite features which, in combination with the features of their respective parent claims, are not taught or suggested in the prior art, either alone or in combination.

In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 9, 2004:

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Name of applicant, assignee or
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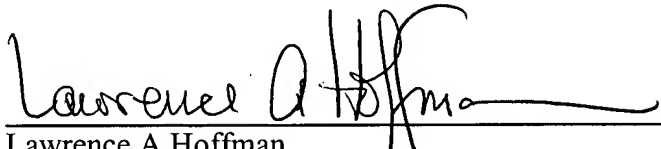
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February 9, 2004

Date of Signature

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Respectfully submitted,



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